

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,
v.
GUADALUPE SANTANA
MARTINEZ, Defendant.

CASE NO. 07-25M

DETENTION ORDER

Offenses charged in the Northern District of Texas:

Conspiracy to Commit Offense or to Defraud the United States, in violation of Title 18, U.S.C., Section 371;

Fraud and Related Activities in Connection with Access Devices, in violation of Title 18, U.S.C., Section 10:30; and

Fraud and Related Activity in Connection with Computers, in violation of Title 18, U.S.C., Section 1029.

Date of Detention Hearing: January 24, 2007

The Court conducted both a contested detention hearing pursuant to Title 18 U.S.C. § 3142(f) and a preliminary Rule 5(c)(3) inquiry. The defendant waived his rights to a full Rule 5(c)(3)(D) hearing and the Court signed an order of transfer to the originating district court of the Northern District of Texas to answer the charges.

The detention hearing was contested, and the defendant may re-open the matter of detention in the Northern District of Texas. The Court finds that, based upon the factual findings and statement of reasons for detention hereafter set forth, no condition or combination of conditions which the defendant can meet will reasonably assure the appearance of the defendant as required and the safety of any other person and the

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1 community. The Government was represented by William Redkey. The defendant was
2 represented by Carol Koller.

3 **FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION**

4 (1) Based upon the Complaint, the nature of this offense is highly unusual, in
5 that, it involves malicious calls to local police departments. These calls
6 are characterized in such a way as to trigger the “SWAT” team of police
7 officers, highly trained and armed with lethal and exceptional weaponry.
8 These officers go to a specific residence only to learn that there is no
9 “emergency” or need for their response. These calls are alleged to have
10 been done for monetary gain and have the impact of causing great
11 emotional distress and harassment. State charges of harassment have
12 arisen and are un-adjudicated as of today’s date. These facts demonstrate
13 that the defendant poses a risk of danger to the community.

14 (2) The Washington state court record established by this defendant includes
15 a consistent pattern of warrants for failure to appear, along with a series of
16 misdemeanor charges of similar nature, such as making false statements to
17 an officer, and failure to obey an officer. Among the allegations found in
18 the Complaint is the assertion that the Defendant participates in a “chat-
19 room” on the internet where his knowledge of the harassment charges in
20 state court is known and lawful authorities are laughed at. Although it is
21 argued that the chat-room members may be involved in the conspiracy
22 charge, what is relevant is that a member of the alleged conspiracy was
23 interviewed by law enforcement and corroborated that the offense was
24 done for monetary gain. Moreover, that the defendant was aware of
25 authorities seeking his arrest. Lastly, it is argued that one sister is willing
26 to provide a residence for the defendant, yet she is aware of the knowledge

1 that he was fleeing arrest. The defendant is therefore viewed as a flight
2 risk.

3 Thus, there is no condition or combination of conditions that would reasonably assure
4 future court appearances. A separate order of transfer has been issued and filed in this
5 court.

6 **It is therefore ORDERED:**

- 7 (1) Defendant shall be detained pending trial and committed to the custody of
8 the Attorney General for confinement in a correctional facility separate, to
9 the extent practicable, from persons awaiting or serving sentences, or being
10 held in custody pending appeal;
- 11 (2) Defendant shall be afforded reasonable opportunity for private
12 consultation with counsel;
- 13 (3) On order of a court of the United States or on request of an attorney for the
14 Government, the person in charge of the correctional facility in which
15 Defendant is confined shall deliver the defendant to a United States
16 Marshal for the purpose of an appearance in connection with a court
17 proceeding; and
- 18 (4) The clerk shall direct copies of this order to counsel for the United States,
19 to counsel for the defendant, to the United States Marshal, and to the
20 United States Pretrial Services Officer.

21
22 DATED this 24th day of January, 2007.



23
24 MONICA J. BENTON
25 United States Magistrate Judge
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